

From: Cheng, Mary (EOIR)
Sent: Mon, 21 Sep 2020 14:23:47 +0000
To: Taylor, Khalilah (EOIR)
Subject: FW: IJ Candidates - Seeking Assigned Court Location - for SF-52s

I need assignments for the IJs below. Please do not assign Flynn at this time.

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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From: Lee-Sullivan, Marcia L. (EOIR) (b)(6)
Sent: Monday, September 14, 2020 3:43 PM
To: Cheng, Mary (EOIR) (b)(6) McNulty, Sheila (EOIR)
(b)(6)
Cc: Lee-Sullivan, Marcia L. (EOIR) (b)(6) Romig, Shawn (EOIR)
(b)(6)
Subject: IJ Candidates - Seeking Assigned Court Location - for SF-52s

Good Afternoon,

Soon, HR will make "tentative offers" to the following IJ candidates. Let me know their assigned court location so that we can prepare the SF-52 Packages.

Atlanta
Bryan Watson

NYC
Erin Alexander
Dawn Kulick
John Burns
(b)(6)
Shirley Lazare-Raphael
Kevin Flynn

Seattle
Kenneth Sogabe
Hayden Windrow

Thanks,

Marcia

From: Cheng, Mary (EOIR)
Sent: Fri, 6 Nov 2020 13:41:04 +0000
To: Margolin, Daren K. (EOIR); Taylor, Khalilah (EOIR)
Subject: FW: IJ Firm Offer/EOD

FYI

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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From: Verbal, Suleana L (EOIR) (b)(6)
Sent: Friday, November 6, 2020 8:40 AM
To: McNulty, Sheila (EOIR) (b)(6) Ortiz-Ang, Susana (EOIR) <Susana.Ortiz-(b)(6)> Roldan, Martin (EOIR) (b)(6) Adams Milam, Amanda J. (EOIR) (b)(6) Pease, Jeffrey (EOIR) (b)(6) Butler, Vicki A. (EOIR) (b)(6) Caldwell, Rhonda (EOIR) (b)(6) Gutrick, Maria (EOIR) (b)(6) Dorsey, Joel (EOIR) (b)(6) Billingsley, Kelly (EOIR) (b)(6) LERS, EOIR (EOIR) (b)(6) OS Personnel Security Operations Staff (EOIR) (b)(6) Lee-Sullivan, Marcia L. (EOIR) (b)(6) Rooyani, Rodin (EOIR) (b)(6) Cheng, Mary (EOIR) (b)(6) Brown, Charlene (EOIR) (b)(6) Short, Tracy (EOIR) (b)(6)
Cc: Hill, Bridgette (EOIR) (b)(6) Sheehey, Kate (EOIR) (b)(6) Ward, Lisa (EOIR) (b)(6) Dalton, Kay (EOIR) (b)(6) Porter, Michael (EOIR) (b)(6) Moutinho, Deborah (EOIR) (b)(6) Young, Teresa N. (EOIR) (b)(6) Gilliard, Stephanie (EOIR) (b)(6) Torres, Hilma (EOIR) (b)(6) Margolin, Daren K. (EOIR) (b)(6) Hanley, Victoria (EOIR) (b)(6) Taylor, Khalilah (EOIR) (b)(6)
Subject: RE: IJ Firm Offer/EOD

Good morning,

FYI –

IJ EOD/Firm Offer 11/22/2020

John Burns IJ-1, NYC (Broadway)

Erin Alexander IJ-1, NYC (Broadway)

Ravit Halperin, IJ-4, ADL

Thanks,

Suleana E. Verbal

Program Analyst

Department of Justice/EOIR

Office of Administration, Human Resources

(b)(6)

FAX: (b)(6)

(b)(6)

From: Cheng, Mary (EOIR)
Sent: Mon, 14 Sep 2020 16:56:56 +0000
To: Lee-Sullivan, Marcia L. (EOIR)
Subject: FW: Immigration Judge Candidates - Nepotism

See below

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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From: Lee-Sullivan, Marcia L. (EOIR) (b)(6)
Sent: Monday, September 14, 2020 12:52 PM
To: Bartolomei, Jr. Rico (EOIR) (b)(6) Cheng, Mary (EOIR)
(b)(6) Daugherty, Daniel J (EOIR) (b)(6)
Doolittle, John (EOIR) (b)(6) Feldman, Irene (EOIR)
(b)(6) Hanrahan, William (EOIR) (b)(6)
Kaufman, Matthew W. (EOIR) (b)(6) Laurent, Scott (EOIR)
(b)(6) Margolin, Daren K. (EOIR) (b)(6)
Luis, Lisa (EOIR) (b)(6) McNulty, Sheila (EOIR)
(b)(6) Miller, Jeffrey S. (EOIR) (b)(6)
Palomino, Jacinto (EOIR) (b)(6) Bolling, Brandon M. (EOIR)
(b)(6) Rooyani, Rodin (EOIR) (b)(6)
Scala, Theresa M. (EOIR) (b)(6) Hitesman, Jonathan W. (EOIR)
(b)(6) Wood, Ryan R. (EOIR) (b)(6)
Crooks, Grady (EOIR) (b)(6) Dillow, Eric (EOIR)
(b)(6) Hansell, Renae M. (EOIR) (b)(6) Holmes-Simmons, Theresa H. (EOIR) (b)(6) Kinnicutt, Daniel (EOIR)
(b)(6) Lampley-Fortson, Joy (EOIR) <Joy.Lampley-
(b)(6) Mart, H. Kevin (EOIR) (b)(6) Mayberry, Karen
(EOIR) (b)(6) McCarthy III, James F. (EOIR)
(b)(6) Owens, Alfredia (EOIR) (b)(6)
Sanchez, Jose A. (EOIR) (b)(6) Seppanen, Christopher R.. (EOIR)
(b)(6) Spath, Vance H. (EOIR) (b)(6)
Sukkar, Elisa (EOIR) (b)(6) Cheng, David (EOIR)
(b)(6) Taylor, Khalilah (EOIR) (b)(6) Weiss,
Daniel H (EOIR) (b)(6) Jones, David M. (EOIR)
(b)(6) Hoogasian, Amy C. (EOIR) (b)(6)
Perry, Anne (EOIR) (b)(6)
Cc: Romig, Shawn (EOIR) (b)(6) Ortiz-Ang, Susana (EOIR) (b)(6)

(b)(6) Lee-Sullivan, Marcia L. (EOIR) (b)(6)

Subject: Immigration Judge Candidates - Nepotism

Importance: High

Good Afternoon,

To the best of your knowledge, are any of the Immigration Judge candidates below related to a DOJ employee?

Adelanto

Bryan DePowell

Ravit Halperin

Imperial

Jeffrey Munoz

Atlanta

Bryan Watson

NYC

Erin Alexander

Dawn Kulick

John Burns

(b)(6)

Shirley Lazare-Raphael

Kevin Flynn

Cleveland

Donald Pashayan

Portland

Kathy Lemke

Harlingen

Mark Brooks

Falls Church

Robert Lewandowski

Seattle

Kenneth Sogabe

Hayden Windrow

-

-

Per guidance from OOD ... To avoid the possibility of inappropriate discussions and the unnecessary disclosure of information regarding the results of the initial suitability and background checks, OCIJ should treat the names of the tentative selectees as close hold until they have cleared OARM. The names should not be distributed beyond relevant OCIJ HQ personnel and the relevant ACIJ conducting

the vouchering and reference checking. In particular, they should not be distributed to court administrators or other court personnel until the relevant selectee has been recommended by OARM.

-

Please respond by COB Tuesday, September 15

Thank you

v/r

Marcia Lee-Sullivan

I

From: Cheng, Mary (EOIR)
Sent: Wed, 18 Nov 2020 23:05:35 +0000
To: Short, Tracy (EOIR)
Subject: IJ Field Training starting on 1/4
Attachments: Nov 22.New Immigration Judge.docx

Judge Short,

Any issues with these assignments? The ACIJS are amenable to the training. Most of the training will be done by VTC with the exception of NYC as the courts are less than a mile apart.

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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	New Immigration Judge	Home Court	EOD	Training Court
1	Erin Alexander	New York – Broadway	11/22/2020	NY-Varick
2	Mark K. Brooks	Harlingen	11/22/2020	Conroe
3	John Burns	New York – Broadway	11/22/2020	CLE
4	(b)(6)	New York – Varick St.	11/22/2020	NEW
5	David Erickson	New York – Federal	11/22/2020	NY-Varick
6	Ravit Halperin	Adelanto	11/22/2020	TAC
7	Samuel Kim	San Francisco	11/22/2020	SMO
8	Dawn M. Kulick	New York - Broadway	11/22/2020	NY-Varick
9	Shirley Lazare-Raphael	New York - Broadway	11/22/2020	CLE
10	Robert Lewandowski	Falls Church	11/22/2020	WAS
11	James R. Masterson	San Francisco	11/22/2020	SMO
12	Jeffrey Munoz	Imperial	11/22/2020	SND
13	Donald J. Pashayan	Cleveland	11/22/2020	DET
14	Maria Ubarri	New York – Federal	11/22/2020	NEW
15	Hayden Windrow	Seattle	11/22/2020	TAC

[RA] Reemployed Annuitant

From: Lee-Sullivan, Marcia L. (EOIR)
Sent: Wed, 16 Sep 2020 16:01:17 +0000
To: Cheng, David (EOIR); Palomino, Jacinto (EOIR)
Cc: McNulty, Sheila (EOIR)
Subject: RE: ASAP Seeking Response RE: Immigration Judge Candidates - Nepotism

Thank you !

From: Cheng, David (EOIR) (b)(6)
Sent: Wednesday, September 16, 2020 12:01 PM
To: Lee-Sullivan, Marcia L. (EOIR) (b)(6) Palomino, Jacinto (EOIR)
(b)(6)
Cc: McNulty, Sheila (EOIR) (b)(6)
Subject: RE: ASAP Seeking Response RE: Immigration Judge Candidates - Nepotism

As far as my knowledge NO.

Thanks

David

From: Lee-Sullivan, Marcia L. (EOIR) (b)(6)
Sent: Wednesday, September 16, 2020 11:57 AM
To: Palomino, Jacinto (EOIR) (b)(6) Cheng, David (EOIR)
(b)(6)
Cc: McNulty, Sheila (EOIR) (b)(6)
Subject: ASAP Seeking Response RE: Immigration Judge Candidates - Nepotism
Importance: High

Good Afternoon,

Please respond ASAP.

v/r

Marcia

From: Lee-Sullivan, Marcia L. (EOIR)
Sent: Tuesday, September 15, 2020 5:43 PM
To: Bartolomei, Jr. Rico (EOIR) (b)(6) Mart, H. Kevin (EOIR)
(b)(6) Cheng, David (EOIR) (b)(6) Feldman,
Irene (EOIR) (b)(6) Perry, Anne (EOIR) (b)(6)
Palomino, Jacinto (EOIR) (b)(6) Hitesman, Jonathan W. (EOIR)
(b)(6) Sukkar, Elisa (EOIR) (b)(6)
Lampley-Fortson, Joy (EOIR) (b)(6)

Cc: Lee-Sullivan, Marcia L. (EOIR)

(b)(6)

Subject: Seeking Response RE: Immigration Judge Candidates - Nepotism

Friendly Reminder

Good Afternoon,

To the best of your knowledge, are any of the Immigration Judge candidates below related to a DOJ employee?

Adelanto

Bryan DePowell

Ravit Halperin

Imperial

Jeffrey Munoz

Atlanta

Bryan Watson

NYC

Erin Alexander

Dawn Kulick

John Burns

(b)(6)

Shirley Lazare-Raphael

Kevin Flynn

Cleveland

Donald Pashayan

Portland

Kathy Lemke

Harlingen

Mark Brooks

Falls Church

Robert Lewandowski

Seattle

Kenneth Sogabe

Hayden Windrow

-

-

Per guidance from OOD ... To avoid the possibility of inappropriate discussions and the unnecessary disclosure of information regarding the results of the initial suitability and background checks, OCIJ

should treat the names of the tentative selectees as close hold until they have cleared OARM. The names should not be distributed beyond relevant OCIJ HQ personnel and the relevant ACIJ conducting the vouchering and reference checking. In particular, they should not be distributed to court administrators or other court personnel until the relevant selectee has been recommended by OARM.

-

Please respond by COB Tuesday, September 15

Thank you

v/r

Marcia Lee-Sullivan

|

From: Cheng, Mary (EOIR)
Sent: Wed, 9 Sep 2020 15:57:07 +0000
To: Short, Tracy (EOIR); McNulty, Sheila (EOIR)
Subject: RE: IJ Applicants

Judge Short,

I have no concerns based on the interview notes and application materials. This is usually assigned to Marcia and she will need ACIJs to vouch the candidates.

I would suggest using the ACIJs from the hiring committee to do the vouchering.

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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From: Short, Tracy (EOIR) (b)(6)
Sent: Wednesday, September 9, 2020 11:36 AM
To: Cheng, Mary (EOIR) (b)(6) McNulty, Sheila (EOIR)
(b)(6)
Subject: FW: IJ Applicants

FYSA. Please let me know if you have concerns.

From: McHenry, James (EOIR) (b)(6)
Sent: Wednesday, September 9, 2020 10:57 AM
To: Ward, Lisa (EOIR) (b)(6) Wahowiak, Marlene (EOIR)
(b)(6) Sheehey, Kate (EOIR) (b)(6)
Short, Tracy (EOIR) (b)(6)
Subject: IJ Applicants

The following candidates have been recommended for IJ positions from the June ad:

Adelanto
Bryan Depowell
Ravit Halperin

Imperial
Jeffrey Munoz

Atlanta

Bryan Watson

NYC

Erin Alexander

Dawn Kulick

John Burns

(b)(6)

Shirley Lazare-Raphael

Kevin Flynn

Cleveland

Donald Pashayan

Portland

Kathy Lemke

Harlingen

Mark Brooks

Falls Church

Robert Lewandowski

Seattle

Kenneth Sogabe

Hayden Windrow

Pease go ahead and begin vouchering, vetting, and reference checking these individuals if it has not been done already.

Vouchering/reference checking for these candidates should be completed by September 16.

Vetting should commence this week if it has not already.

All information should be provided to Kate as soon as it is completed.

Kate will be follow up on any vouchering/reference checking not completed by September 16.

To avoid the possibility of inappropriate discussions and the unnecessary disclosure of information regarding the results of the initial suitability and background checks, OCIJ should treat the names of the tentative selectees as close hold until they have cleared OARM. The names should not be distributed beyond relevant OCIJ HQ personnel and the relevant ACIJ conducting the vouchering and reference checking. In particular, they should not be distributed to court administrators or other court personnel until the relevant selectee has been recommended by OARM.

Thanks.

From: Ortiz-Ang, Susana (EOIR)
Sent: Fri, 11 Sep 2020 01:19:05 +0000
To: Sheehey, Kate (EOIR)
Cc: Roldan, Martin (EOIR); Lee-Sullivan, Marcia L. (EOIR); Cheng, Mary (EOIR); McNulty, Sheila (EOIR)
Subject: Re: IJ Applicants

Hi Kate, will do. I'm expecting a report from my team and will follow up in the morning

Sent from my iPhone

On Sep 10, 2020, at 8:54 PM, Sheehey, Kate (EOIR) [REDACTED] wrote:

I haven't checked since early this morning, but please be entering the people for whom vouchering is done in the database – all but two of the candidates have vetting completed so if vouchering is done for any of the others we can start giving out tentative offers. Given how tight our timeline is going to be this time around, I'd really like to start giving tentative offers as soon as possible.

Thanks,
Kate

From: Ortiz-Ang, Susana (EOIR) [REDACTED]
Sent: Wednesday, September 9, 2020 12:18 PM
To: Sheehey, Kate (EOIR) [REDACTED]; Roldan, Martin (EOIR) [REDACTED]; Lee-Sullivan, Marcia L. (EOIR) [REDACTED]
[REDACTED]
Cc: Cheng, Mary (EOIR) [REDACTED]; McNulty, Sheila (EOIR) [REDACTED]
[REDACTED]
Subject: RE: IJ Applicants

OK, thank you, we are almost done. We will check the names in the list below with the vouchering we are completing to ensure we are not missing anyone.

Thanks

Susana

Susana M. Ortiz-Ang
Executive Officer
Office of the Chief Immigration Judge
Executive Office for Immigration Review
U.S. Department of Justice
Direct Line: [REDACTED]
Govt Cell Phone: [REDACTED]

From: Sheehey, Kate (EOIR) (b)(6)
Sent: Wednesday, September 9, 2020 11:07 AM
To: Ortiz-Ang, Susana (EOIR) (b)(6) Roldan, Martin (EOIR)
(b)(6) Lee-Sullivan, Marcia L. (EOIR) (b)(6)
(b)(6)
Cc: Cheng, Mary (EOIR) (b)(6) McNulty, Sheila (EOIR)
(b)(6)
Subject: FW: IJ Applicants

All – see below. Please note, James would like all vouchering completed by Sept. 16th.

Thanks,
Kate

From: McHenry, James (EOIR) (b)(6)
Sent: Wednesday, September 9, 2020 10:57 AM
To: Ward, Lisa (EOIR) (b)(6) Wahowiak, Marlene (EOIR)
(b)(6) Sheehey, Kate (EOIR) (b)(6)
Short, Tracy (EOIR) (b)(6)
Subject: IJ Applicants

The following candidates have been recommended for IJ positions from the June ad:

Adelanto

Bryan Depowell
Ravit Halperin

Imperial

Jeffrey Munoz

Atlanta

Bryan Watson

NYC

Erin Alexander
Dawn Kulick
John Burns
(b)(6)
Shirley Lazare-Raphael
Kevin Flynn

Cleveland

Donald Pashayan

Portland

Kathy Lemke

Harlingen

Mark Brooks

Falls Church

Robert Lewandowski

Seattle

Kenneth Sogabe

Hayden Windrow

Please go ahead and begin vouchering, vetting, and reference checking these individuals if it has not been done already.

Vouchering/reference checking for these candidates should be completed by September 16.

Vetting should commence this week if it has not already.

All information should be provided to Kate as soon as it is completed.

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Thanks.

From: Cheng, Mary (EOIR)
Sent: Mon, 21 Sep 2020 14:33:39 +0000
To: Lee-Sullivan, Marcia L. (EOIR)
Subject: RE: IJ Candidates - Seeking Assigned Court Location - for SF-52s

I will have those in a few. Thanks,

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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From: Lee-Sullivan, Marcia L. (EOIR) (b)(6)
Sent: Monday, September 21, 2020 10:32 AM
To: Cheng, Mary (EOIR) (b)(6)
Subject: RE: IJ Candidates - Seeking Assigned Court Location - for SF-52s

Judge Cheng,

Thank you!

Any word on court assignments for the candidates in Atlanta and Seattle?

Marcia

From: Cheng, Mary (EOIR) (b)(6)
Sent: Monday, September 21, 2020 10:29 AM
To: Lee-Sullivan, Marcia L. (EOIR) (b)(6)
Subject: FW: IJ Candidates - Seeking Assigned Court Location - for SF-52s

Please see below. Flynn's offer was withdrawn. Thanks,

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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From: Taylor, Khalilah (EOIR) (b)(6)
Sent: Monday, September 21, 2020 10:26 AM
To: Cheng, Mary (EOIR) (b)(6)
Subject: RE: IJ Candidates - Seeking Assigned Court Location - for SF-52s

Judge,

Good Morning: Please see the below with the recommended assignments.

Thank you,

Khalilah Taylor
Assistant Chief Immigration Judge
New York – Broadway
290 Broadway
New York, NY 10007



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From: Cheng, Mary (EOIR) (b)(6)
Sent: Monday, September 21, 2020 10:24 AM
To: Taylor, Khalilah (EOIR) (b)(6)
Subject: FW: IJ Candidates - Seeking Assigned Court Location - for SF-52s

I need assignments for the IJs below. Please do not assign Flynn at this time.

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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[REDACTED] (b)(6)
Cc: Lee-Sullivan, Marcia L. (EOIR) [REDACTED] (b)(6) Romig, Shawn (EOIR)
[REDACTED] (b)(6)
Subject: IJ Candidates - Seeking Assigned Court Location - for SF-52s

Good Afternoon,

Soon, HR will make "tentative offers" to the following IJ candidates. Let me know their assigned court location so that we can prepare the SF-52 Packages.

Atlanta

Bryan Watson

NYC

Erin Alexander - NYB

Dawn Kulick - NYB

John Burns - NYB

[REDACTED] (b)(6) - NYV

Shirley Lazare-Raphael - NYB

Kevin Flynn

Seattle

Kenneth Sogabe

Hayden Windrow

Thanks,

Marcia

From: Cheng, Mary (EOIR)
Sent: Mon, 21 Sep 2020 14:35:45 +0000
To: Lee-Sullivan, Marcia L. (EOIR)
Subject: RE: IJ Candidates - Seeking Assigned Court Location - for SF-52s

ATL – Peachtree for IJ Watson and Seattle is Seattle. Thanks,

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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From: Taylor, Khalilah (EOIR) <(b)(6)>
Sent: Monday, September 21, 2020 10:26 AM
To: Cheng, Mary (EOIR) <(b)(6)>
Subject: RE: IJ Candidates - Seeking Assigned Court Location - for SF-52s

Judge,

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Thank you,

Khalilah Taylor
Assistant Chief Immigration Judge
New York – Broadway
290 Broadway
New York, NY 10007



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Sent: Monday, September 21, 2020 10:24 AM
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Principal Deputy Chief Immigration Judge (Acting)



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Cc: Lee-Sullivan, Marcia L. (EOIR) (b)(6) Romig, Shawn (EOIR)
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Atlanta

Bryan Watson

NYC

Erin Alexander - NYB

Dawn Kulick - NYB

John Burns - NYB

(b)(6) - NYV

Shirley Lazare-Raphael - NYB

Kevin Flynn

Seattle

Kenneth Sogabe

Hayden Windrow

Thanks,

Marcia

From: Cheng, Mary (EOIR)
Sent: Mon, 14 Sep 2020 16:56:23 +0000
To: Lee-Sullivan, Marcia L. (EOIR)
Subject: RE: Immigration Judge Candidates - Nepotism

Marcia,

I only know the two highlighted individuals as they use to appear before me in court. I also believe I may have interviewed Shirley Lazare. Otherwise, I do not know them personally. Thanks,

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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From: Lee-Sullivan, Marcia L. (EOIR) (b)(6)
Sent: Monday, September 14, 2020 12:52 PM
To: Bartolomei, Jr. Rico (EOIR) (b)(6) Cheng, Mary (EOIR)
(b)(6) Daugherty, Daniel J (EOIR) (b)(6)
Doolittle, John (EOIR) (b)(6) Feldman, Irene (EOIR)
(b)(6) Hanrahan, William (EOIR) (b)(6)
Kaufman, Matthew W. (EOIR) (b)(6) Laurent, Scott (EOIR)
(b)(6) Margolin, Daren K. (EOIR) (b)(6)
Luis, Lisa (EOIR) (b)(6) McNulty, Sheila (EOIR)
(b)(6) Miller, Jeffrey S. (EOIR) (b)(6)
Palomino, Jacinto (EOIR) (b)(6) Bolling, Brandon M. (EOIR)
(b)(6) Rooyani, Rodin (EOIR) (b)(6)
Scala, Theresa M. (EOIR) (b)(6) Hitesman, Jonathan W. (EOIR)
(b)(6) Wood, Ryan R. (EOIR) (b)(6)
Crooks, Grady (EOIR) (b)(6) Dillow, Eric (EOIR)
(b)(6) Hansell, Renae M. (EOIR) (b)(6) Holmes-Simmons, Theresa H. (EOIR) (b)(6) Kinnicutt, Daniel (EOIR)
(b)(6) Lampley-Fortson, Joy (EOIR) <Joy.Lampley-
(b)(6) Mart, H. Kevin (EOIR) (b)(6) Mayberry, Karen (EOIR) (b)(6) McCarthy III, James F. (EOIR)
(b)(6) Owens, Alfredia (EOIR) (b)(6)
Sanchez, Jose A. (EOIR) (b)(6) Seppanen, Christopher R.. (EOIR)
(b)(6) Spath, Vance H. (EOIR) (b)(6)
Sukkar, Elisa (EOIR) (b)(6) Cheng, David (EOIR)
(b)(6) Taylor, Khalilah (EOIR) (b)(6) Weiss, Daniel H (EOIR) (b)(6) Jones, David M. (EOIR)

(b)(6) Hoogasian, Amy C. (EOIR) (b)(6)
Perry, Anne (EOIR) (b)(6)
Cc: Romig, Shawn (EOIR) (b)(6) Ortiz-Ang, Susana (EOIR) <Susana.Ortiz-
(b)(6) Lee-Sullivan, Marcia L. (EOIR) (b)(6)

Subject: Immigration Judge Candidates - Nepotism

Importance: High

Good Afternoon,

To the best of your knowledge, are any of the Immigration Judge candidates below related to a DOJ employee?

Adelanto

Bryan DePowell
Ravit Halperin

Imperial

Jeffrey Munoz

Atlanta

Bryan Watson

NYC

Erin Alexander
Dawn Kulick
John Burns

(b)(6)
Shirley Lazare-Raphael
Kevin Flynn

Cleveland

Donald Pashayan

Portland

Kathy Lemke

Harlingen

Mark Brooks

Falls Church

Robert Lewandowski

Seattle

Kenneth Sogabe
Hayden Windrow

-
-

Per guidance from OOD ... To avoid the possibility of inappropriate discussions and the unnecessary disclosure of information regarding the results of the initial suitability and background checks, OCIJ should treat the names of the tentative selectees as close hold until they have cleared OARM. The names should not be distributed beyond relevant OCIJ HQ personnel and the relevant ACIJ conducting the vouchering and reference checking. In particular, they should not be distributed to court administrators or other court personnel until the relevant selectee has been recommended by OARM.

-

Please respond by COB Tuesday, September 15

Thank you

v/r

Marcia Lee-Sullivan

I

From: Cheng, Mary (EOIR)
Sent: Tue, 18 Aug 2020 00:23:53 +0000
To: Short, Tracy (EOIR)
Subject: RE: Ranked IJ applicants
Attachments: Sample.docx

Judge,

I did 10 random reviews. I had Marcia pick the candidates so it would be random. Attached there were two other candidates that should be adjusted. (b)(5)

(b)(5)

Mary Cheng
Deputy Chief Immigration Judge



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From: Short, Tracy (EOIR) (b)(6)
Sent: Monday, August 17, 2020 3:24 PM
To: Cheng, Mary (EOIR) (b)(6)
Subject: Re: Ranked IJ applicants

Can you do a few random reviews of those not recommended to verify there are no others?

On Aug 17, 2020, at 3:12 PM, Cheng, Mary (EOIR) (b)(6) wrote:

Judge Short,

This applicant was previously ranked by Judge Santoro in May 2020. His application is attached. (b)(5)
(b)(5) Generally, we do not review prior candidate rankings when we are reviewing the current ad. Please let me know if you need anything else.

Mary Cheng
Deputy Chief Immigration Judge
<image001.png>

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From: Short, Tracy (EOIR) (b)(6)
Sent: Monday, August 17, 2020 2:44 PM
To: Cheng, Mary (EOIR) (b)(6)
Subject: FW: Ranked IJ applicants

Please check on this. The interview notes reflect that both ACIJs rated Burns as highly qualified. Are there others that are similarly situated? Thanks.

From: McHenry, James (EOIR) (b)(6)
Sent: Monday, August 17, 2020 2:23 PM
To: Short, Tracy (EOIR) (b)(6)
Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR) (b)(6)
Subject: RE: Ranked IJ applicants

Thanks.

One candidate to check on: John Burns.

He is listed as NR, (b)(5) if not HR.

Is there something about him that is not reflected in the notes that made him NR?

From: Short, Tracy (EOIR) (b)(6)
Sent: Monday, August 17, 2020 2:04 PM
To: McHenry, James (EOIR) (b)(6)
Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR) (b)(6)
Subject: RE: Ranked IJ applicants

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To: Short, Tracy (EOIR) (b)(6)
Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR) (b)(6)
Subject: RE: Ranked IJ applicants

Thanks. Does the yellow highlighting signify anything?

From: Short, Tracy (EOIR) (b)(6)
Sent: Monday, August 17, 2020 12:41 PM
To: McHenry, James (EOIR) (b)(6)

Cc: Wahowiak, Marlene (EOIR) [REDACTED] Sheehey, Kate (EOIR)

[REDACTED]

Subject: Ranked IJ applicants

James,

I have completed my review of the ACIJ's interview notes, along with the other application materials for the June 2020 vacancy announcement. The results are as follows:

- 326 total applicants
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The breakdown is as follows:

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- 57 Highly Recommended
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- 67 Not Recommend
- 163 Panel Not Recommend

The candidate list and rankings are attached. The applicants are being moved now from OCIJ to OOD in SharePoint.

Thanks,

Tracy

<John Patrick Burns - Resume.pdf>

<John Patrick Burns - QRF.pdf>

<John Burns Summary Paragraph (Holmes-Simmons).pdf>

<John Burns Summary Paragraph (Doolittle).pdf>

Abdur-Rahim		Sharif	Not Recommend
Armas	Teresa	Maria	Not Recommend
Burns	Patrick	John	Not Recommend - HR
Calehr	NONE	Harun	Not Recommend
COOPER		CHRISTOPher	Not Recommend -Mid Tier
DAVIS	M	THEODORE	Not Recommend
Farley		Conor	Not Recommend
Graulich	Cottrell	James	Not Recommend
Hogan	Michael	Kelly	Not Recommend
Jorgensen		Susan	Not Recommend
Kaufman	Ralph	Warren	Not Recommend
Miller	Steven	Mark	Not Recommend
Miller	Gary	Steven	Not Recommend
Mondino	Omar	Gabriel	Not Recommend
Munsing	Nicholas	Peter	Not Recommend
Najjar	Richard	George	Not Recommend
Nunez		Cynthia	Not Recommend
Parsad Mastroianni		Krishma	Not Recommend
Rodriguez Rosado	Gilberto	Jose	Not Recommend
Sanchez	Mercedes	Aloyma	Not Recommend
Schroth	John	Norman	Not Recommend
Slayton	Andrea	Michelle	Not Recommend
Stephens	John	Christopher	Not Recommend
Velez	Oscar	Luis	Not Recommend
Windrow		Hayden	Not Recommend - HR

From: Cheng, Mary (EOIR)
Sent: Mon, 17 Aug 2020 19:34:33 +0000
To: Short, Tracy (EOIR)
Subject: RE: Ranked IJ applicants

Yes, I will apprise you of my findings. Thanks,

Mary Cheng
Deputy Chief Immigration Judge



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From: Short, Tracy (EOIR)
Sent: Mon, 17 Aug 2020 19:24:02 +0000
To: Cheng, Mary (EOIR)
Subject: Re: Ranked IJ applicants
Attachments: image001.png

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Thanks,

Tracy

JOHN PATRICK BURNS

(b)(6)

(b)(6) / Cell: (b)(6)

Admitted Attorney in New York State

Education

Fordham University School of Law New York, NY

J.D., May 2009

Honors: Archibald Murray Award Recipient, *magna cum laude*
Stein Scholars Program in Public Interest Law and Ethics Scholar
Recipient of Highbridge Fellowship at Legal Services for New York 2008

Beloit College Beloit, WI

B.A., *cum laude* in Sociology and History, May 2004

Honors: Dean's list seven semesters; Departmental honors in history; *Sereno Taylor Merrill Prize* awarded to the history student with the highest GPA in history courses; *Charles D. Rosa Award* given annually to an outstanding graduating senior planning to attend law school

Experience

Department of Homeland Security – Immigration and Custom Enforcement New York, NY

Assistant Chief Counsel (fulltime)

October 2, 2016 - Current

- Represent the agency in trial proceedings for immigration removal cases before the Executive Office of Immigration Review in detained and non-detained dockets.
- File briefs, motions, and appeals on behalf of the agency before the Executive Office of Immigration Review and the Board of Immigration Appeals.
- Advise federal law enforcement officers on legal issues arising from the Immigration and Nationality Act.

Social Security Administration New York, NY

Senior Attorney (fulltime)

July 1, 2015 - September 2016

- Decided and issued on the record decisions. Reviewed, analyzed, and edited decisions by attorneys to ensure legal sufficiency under the Social Security Act and Code of Federal Regulations.
- Prepared comments and suggestions on proposed changes to regulations and administrative rules. Responded to attorney and Administrative Law Judge requests regarding ethical obligations. Drafted memoranda of law and decisions in sensitive and complex cases involving significant policy issues.
- Prepared and presented regional trainings and mentored new attorneys on agency policy and monitored and evaluated office compliance with agency procedures.

Supervisory Attorney (fulltime)

August 1, 2013 – July 1, 2015

- Directly supervised and reviewed the work of a legal staff, including eight attorneys and six paralegals, and assigned and monitored legal work for completion and accuracy.
- Completed performance reviews and clearly articulated standards as set under the performance management system. Identified training needs and conducted training for employees and the office.
- Coordinated and conducted administrative investigations of alleged misconduct including discrimination and harassment. Drafted questions and conducted investigatory interviews. Issued recommendations on employee grievances and communicated regularly with representatives of three unions.
- Led hiring efforts, which included reviewing applications and conducting interviews for equal and subordinate positions ranging from GS-8 to GS-12.

Attorney Advisor (fulltime)

June 1, 2010 - July 1, 2013

- Responsible for researching and writing administrative law decisions involving complex medical issues.
- Conducted pre-hearing reviews of cases, including reviews of medical, employment and tax records.

- Drafted overpayment and waiver decisions and made determinations for potential on-the-record decisions.

CAPTAIN JOHN P. BURNS MILITARY RESUME

Defense Counsel, Trial Defense Services, New York Army National Guard

Captain John P. Burns currently serves as a Defense Counsel in Trial Defense Services, where he represents Soldiers at Separation Boards and on other adverse administrative actions.

Captain Burns earned his commission in August 2013 through Direct Commission. Prior to his current assignment, Captain Burns served as the Deputy Staff Judge Advocate, 369th Sustainment Brigade. In that role he assisted the Staff Judge Advocate in overseeing all brigade legal services and providing legal advice to both individual Soldiers and leaders. He deployed to Kuwait and Iraq in 2016-2017.

COMMISSIONING SOURCE:

Direct Commission

EDUCATIONAL DEGREES:

2004, Beloit College, Bachelor of Arts, History and Sociology, WI

2009, Fordham University School of Law, Juris Doctorate, NY

MILITARY SCHOOLS ATTENDED:

2014, Judge Advocate General Officer Basic Course, Charlottesville, VA

2016, Operational Contract Support Course, Peekskill, NY

2016, Trial Counsel Assistance Program - New Prosecutor Course, Phoenix, Arizona

2019, Army National Guard Defense Counsel Course, St. Augustine, Florida

2019, Army National Guard Defense Counsel Regional Training, Riverton, Utah

2019, Judge Advocate Officer Advanced Course, Charlottesville, VA

EFFECTIVE DATES OF PROMOTION:

First Lieutenant, 26 August 2013

Captain, 17 August 2016

ASSIGNMENTS:

1. August 2013 – August 2016 [part-time], Deputy Staff Judge Advocate, 369th Sustainment Brigade, Peekskill, NY
2. August 2016 – July 2017 [full-time], Trial Counsel, 369th Sustainment Brigade, Combined Joint Task Force – Operation Inherent Resolve, Camp Taji, Iraq and Camp Arifjan, Kuwait
3. July 2017 – August 2018 [part-time], Deputy Staff Judge Advocate, 369th Sustainment Brigade, Peekskill, NY
4. August 2018 – Present [part-time], Defense Counsel, Joint Force Headquarters, Latham, NY

SUMMARY OF OPERATIONAL ASSIGNMENTS:

August 2016 – July 2017, Trial Counsel, 369th Sustainment Brigade, Combined Joint Task Force – Operation Inherent Resolve, Camp Taji, Iraq and Camp Arifjan, Kuwait

TRAINING EXERCISES:

August 2015, Warfighter, Fort Drum, NY

August 2016, Premobilization Training Exercise, Fort Indian Town Gap, PA

August 2018, Command Post Exercise, Fort Drum, NY

AWARDS AND DECORATIONS:

Army Commendation Medal

National Defense Service Medal

Global War on Terrorism Expeditionary Medal

Global War on Terrorism Service Medal

Overseas Service Ribbon

Armed Forces Reserve Medal with "M" Device

CIVILIAN OCCUPATION:

Assistant Chief Counsel, Department of Homeland Security – Immigration and Customs Enforcement

PROFESSIONAL MEMBERSHIPS AND AFFILIATIONS:

New York State Bar

John Patrick Burns

1. Ability to demonstrate the appropriate temperament to serve as a judge.

As an officer in the United States Military, I must project confidence, calmness and competence always. From August 2016 to July 2017, I was deployed to Iraq and Kuwait, where I served as my brigade's sole Trial Counsel. I was responsible for all military justice issues, and my role was crucial to maintaining discipline and order in a high-pressure and constantly changing environment. To succeed in my mission, I had to maintain credibility with my commanders and authority with subordinate Soldiers.

I oversaw military justice issues in a unit that was responsible for approximately 2,000 Soldiers, operating in forward geographical locations, to include Kuwait, Iraq, Jordan, UAE, Qatar and Syria. I was on-call 24 hours a day, seven days a week and constantly had to make challenging decisions in a high-pressured environment. I regularly had to make quick determinations and advise commanders and military police on whether they could detain suspects in a deployed environment, search and seize property, and interview suspects or press charges against Soldiers. To maintain my credibility with commanders and the military police, I had to remain calm and collected when confronted with difficult legal issues.

I had to show fairness and consistency to maintain credibility and authority with other Soldiers. I had to make reasonable/appropriate recommendations when I advised commanders on punishment options or how to proceed with investigations. I had to make determinations about what adverse administrative actions were consistent, fair and supported by the facts of each case.

2. Knowledge of immigration laws and procedures.

I have been an Assistant Chief Counsel for the Department of Homeland Security since October 2016. In that job, I have gained significant immigration law experience. I have litigated hundreds of immigration cases both in the detained and non-detained settings. I have litigated numerous asylum cases before the Executive Office for Immigration Relief, and I handled innumerable adjustment of status and cancellation of removal case. I have briefed a range of complex immigration law issues.

I have regularly had to analyze and draft legal memorandums relating to complex U.S. citizenship issues including denaturalization. I have drafted legal memorandums and briefs on complex policy issues in the areas of immigration crime including eligibility for relief for aliens who engage in passport or visa fraud, human rights offenses, and international violent crime including violent crime under the Military Extraterritorial Jurisdiction Act. I have appealed over a dozen cases to the Board of Immigration Appeal and I have never lost a single appeal in the 12+ cases in which I was the main author of the brief in support of a DHS appeal.

3. Substantial litigation experience, preferably in a high-volume context.

I have gained significant litigation experience as a brigade trial counsel. When I deployed with the 369th Sustainment Brigade in 2016-2017, I was the only trial counsel assigned to the unit. In my role I helped take five cases to courts-martial. While in a deployed environment, I was responsible for advising on criminal investigations, referral of charges, arranging the hearings, plea deals and advising commanders on the charges. As trial counsel, I was responsible for arranging all witnesses for both the defense and prosecution and for securing funding for any expert witnesses. I was responsible for advising commanders on the selection of panel members (jurors) and to make sure there were no conflicts, and that panel members met the legal requirements including being of proper rank. I was responsible for conducting questioning or “voire dire” of panel members before they could serve on the panel. I had to understand and make determinations on the Military Rules of Evidence. I was also responsible for litigating all the cases through the sentencing phase.

As an Assistant Chief Counsel with the Department of Homeland Security, I litigate cases in a high-volume context daily. I frequently am responsible for litigating four or five immigration cases per day and have litigated hundreds of immigration cases to completion. I am responsible for litigating bail hearings, asylum hearings, cancellation of removal hearing and adjustment of status applications. In addition to litigating a high number of cases per week, I also must regularly brief the court on complex legal issues, submit written closings and submit written analysis for any case I wish to appeal to the Board of Immigration Appeals.

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As an Assistant Chief Counsel for the Department of Homeland I regularly must argue complex legal issues surrounding immigration law. I have worked as lead attorney on cases involving criminal aliens, suspected terrorist, human rights abusers and other priority aliens. I have represented the government in hundreds of removal proceedings before immigration judges and briefed over a dozen cases on appeal to the Board of Immigration Appeals. I have never lost a single appeal in the 12+ cases in which I was the main author of the brief in support of a DHS appeal. I have regularly had to analyze and draft legal memorandums relating to complex U.S. citizenship issues including denaturalization. I have drafted legal memorandums and briefs on complex policy issues in the areas of immigration crime including eligibility for relief for aliens who engage in passport or visa fraud, human rights offenses, particularly torture or war crimes; and international violent crime, particularly violent crime under the Military Extraterritorial Jurisdiction Act.

As an attorney with the United States Army, I have worked on five Courts Martials and numerous Separation Boards. I have had to litigate the differences in admissibility of evidence depending on the type of hearing, the legal standards for separation and determining if the Soldiers were in Federal or State status at the time of alleged misconduct. I have also had to advise investigators on complex legal issues including the ability to seize and search property, and how to analyze complex criminal issues including financial fraud investigations involving Basic Allowance for Housing fraud. As a brigade counsel I have regularly briefed commanders and Soldiers on legal issues involving the Rules of Engagement, necessary use of force and the Law of Armed Conflict.

5. Experience conducting administrative hearings.

From July 2015 to September 2016, I worked as a Senior Attorney for the Social Security Administration. As part of that job, Senior Attorneys were responsible for issuing On-The-Record Decisions, and I would issue one to two decision per workday. To issue final decisions, I had to have familiarity with current department policies and legal practices. I would work closely with private counsel to obtain necessary medical records and opinions to help complete hearings. I would often have to submit written questions to medical professionals to complete the record before I could issue a decision in the case. Before I could issue a final determination in a case, I had to review the evidence and decision to make sure it was in conformity with existing rules and regulations.

6. Knowledge of judicial practices and procedures.

As an Assistant Chief Counsel for the Department of Homeland I regularly appear in court and must make arguments as to legal standards for admissibility of evidence, object to improper or leading questions and contest the sufficiency of evidence. I regularly must make determinations as to whether the record establishes grounds to grant asylum, or another form of relief, including determining if the facts show that the persecution is tied to one of the five grounds mentioned in the Immigration Nationality Act.

As a brigade trial counsel with the United States Military, I had to have expertise in trial practices and procedures. I have conducted numerous Separation Boards and was responsible for conducting five court-martials. I had to understand the process for preferring charges, I was responsible for organizing and presenting evidence at Article 32 (probable cause) hearings, and determining what favorable evidence needed to be turned over to the opposing counsel. As trial counsel, I was responsible for arranging all witnesses for both the defense and prosecution and for securing funding for any expert witnesses. I was responsible for advising commanders on the selection of panel members (jurors) and to make sure there were no conflicts, and that panel members met the legal requirements including being of proper rank. I was responsible for conducting questioning or “voire dire” of panel members before they could serve on the panel. I also had to understand and make determinations on the Military Rules of Evidence, which govern what evidence can be submitted during the trial. I also had to understand sentencing guidelines and make determinations on any potential plea deals.

SUMMARY PARAGRAPH
NEW IJ INTERVIEW QUESTIONS

NAME OF INTERVIEWEE: John Burns

NAME OF INTERVIEWER: ACIJ Theresa Holmes-Simmons

DATE OF INTERVIEW: May 14, 2020

I recommend Mr. Burns for further consideration.

This candidate interviewed very well. He has significant litigation experience and immigration experience. He is currently an Assistant Chief Counsel in New York. He was a defense attorney and a prosecutor in the JAG. He served in Iraq from 2016-2017.

Mr. Burns stated that he respects the role of the Immigration Judge and recognizes that it is a “difficult” role. He believes it would be a privilege to serve in this capacity.

It was clear from the interview that he takes his obligations very seriously. He stated he would hear cases with an open mind.

His answers displayed a thorough knowledge of courtroom practice and procedure.

He displayed a calm demeanor during the interview. He knows the importance of due process and the necessity of completing cases in a timely manner.

I do not doubt he would treat all parties with respect and will effectively complete cases.

He a highly qualified candidate.

Summary Paragraph

(New IJ Interview Questions - 20191104)

NAME OF INTERVIEWEE: John Burns
NAME OF INTERVIEWER: ACIJ John Doolittle
DATE OF INTERVIEW: 5/14/20

I strongly recommend the above candidate for a second interview.

The above candidate had a very good interview. 1 of 3 DHS trial attorneys on this day. All 3 were impressive and will all make very strong immigration judges now or in the future. This candidate had a great demeanor, confidence, directness, ownership of the issues and questions, and I left this interview with my own confidence that this candidate will do very well as an immigration judge and that he possesses the perfect blend of great temperament, knowledge, attitude, and experience. He clearly understood all of the questions and answered them with substance, detail, and ease. This candidate also, after first directly answering the question posed, adeptly was able to anecdotally connect his current and past experience, decision making ability, and his application and understanding of legal and judicial principles to the question as well. Excellent, humble, but confident answers to each of the questions. Never once straying off issue, this candidate also showed his clear understanding of the role of the immigration judge and the various challenges that immigration judges face daily. This candidate has very strong DHS and military experience. His comments on his sincerity, ability to follow his supervisors and leaders, high esteem for his oath of office, and his placement of integrity and professionalism above all else was very refreshing. His answers to the decisional hypotheticals were especially well done. On many of these questions over the last 3 weeks, the candidates have often times not actually given the interviewers their "actual decision." Many candidates operate on the edges of the hypothetical, qualify or hedge their answers, and leave the interviewers without an actual decision or ruling. This candidate explained the issues involved in detail, but then actually told us how he would rule. Each ruling was well reasoned and in my opinion, the correct ruling. Great interview. I believe this candidate will make a fine immigration judge now or in the future. Of the 5 candidates interviewed on this day, and of the 3 DHS trial attorneys very close interviews this day, this candidate's interview was the best of the 5.

From: Lee-Sullivan, Marcia L. (EOIR)
Sent: Mon, 17 Aug 2020 19:00:17 +0000
To: Cheng, Mary (EOIR)
Subject: RE: Ranked IJ applicants
Attachments: John Patrick Burns - Resume.pdf, John Patrick Burns - QRF.pdf, John Burns Summary Paragraph (Holmes-Simmons).pdf, John Burns Summary Paragraph (Doolittle).pdf

See attachments.

I forward the file to OOD.

Marcia

From: Cheng, Mary (EOIR) (b)(6)
Sent: Monday, August 17, 2020 2:55 PM
To: Lee-Sullivan, Marcia L. (EOIR) (b)(6)
Subject: FW: Ranked IJ applicants
Importance: High

I cannot locate this candidate. Please help. Thanks,

Mary Cheng
Deputy Chief Immigration Judge



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From: Short, Tracy (EOIR) (b)(6)
Sent: Monday, August 17, 2020 2:44 PM
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Subject: FW: Ranked IJ applicants

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Sent: Monday, August 17, 2020 2:23 PM
To: Short, Tracy (EOIR) (b)(6)

Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR)
(b)(6)

Subject: RE: Ranked IJ applicants

Thanks.

One candidate to check on: John Burns.

He is listed as NR, (b)(5) if not HR.

Is there something about him that is not reflected in the notes that made him NR?

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Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR)
(b)(6)
Subject: RE: Ranked IJ applicants

The highlighted ones are the applicants who were interviewed and ranked as part of the June 2020 announcement. The others are applicants who were interviewed and ranked within the last year.

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James,

I have completed my review of the ACIJ's interview notes, along with the other application materials for the June 2020 vacancy announcement. The results are as follows:

- 326 total applicants
- 98 were interviewed

The breakdown is as follows:

- 1 withdrew
- 1 unable to reach
- 2 pending EOD

- 57 Highly Recommended
- 35 Mid-Tier
- 67 Not Recommend
- 163 Panel Not Recommend

The candidate list and rankings are attached. The applicants are being moved now from OCIJ to OOD in SharePoint.

Thanks,

Tracy

JOHN PATRICK BURNS

219 Madison St, Apt. 19

New York, NY 10002

(b)(6) / Cell: (253) 508-2785

Admitted Attorney in New York State

Education

Fordham University School of Law New York, NY

J.D., May 2009

Honors: Archibald Murray Award Recipient, *magna cum laude*
Stein Scholars Program in Public Interest Law and Ethics Scholar
Recipient of Highbridge Fellowship at Legal Services for New York 2008

Beloit College Beloit, WI

B.A., *cum laude* in Sociology and History, May 2004

Honors: Dean's list seven semesters; Departmental honors in history; *Sereno Taylor Merrill Prize* awarded to the history student with the highest GPA in history courses; *Charles D. Rosa Award* given annually to an outstanding graduating senior planning to attend law school

Experience

Department of Homeland Security – Immigration and Custom Enforcement New York, NY

Assistant Chief Counsel (fulltime)

October 2, 2016 - Current

- Represent the agency in trial proceedings for immigration removal cases before the Executive Office of Immigration Review in detained and non-detained dockets.
- File briefs, motions, and appeals on behalf of the agency before the Executive Office of Immigration Review and the Board of Immigration Appeals.
- Advise federal law enforcement officers on legal issues arising from the Immigration and Nationality Act.

Social Security Administration New York, NY

Senior Attorney (fulltime)

July 1, 2015 - September 2016

- Decided and issued on the record decisions. Reviewed, analyzed, and edited decisions by attorneys to ensure legal sufficiency under the Social Security Act and Code of Federal Regulations.
- Prepared comments and suggestions on proposed changes to regulations and administrative rules. Responded to attorney and Administrative Law Judge requests regarding ethical obligations. Drafted memoranda of law and decisions in sensitive and complex cases involving significant policy issues.
- Prepared and presented regional trainings and mentored new attorneys on agency policy and monitored and evaluated office compliance with agency procedures.

Supervisory Attorney (fulltime)

August 1, 2013 – July 1, 2015

- Directly supervised and reviewed the work of a legal staff, including eight attorneys and six paralegals, and assigned and monitored legal work for completion and accuracy.
- Completed performance reviews and clearly articulated standards as set under the performance management system. Identified training needs and conducted training for employees and the office.
- Coordinated and conducted administrative investigations of alleged misconduct including discrimination and harassment. Drafted questions and conducted investigatory interviews. Issued recommendations on employee grievances and communicated regularly with representatives of three unions.
- Led hiring efforts, which included reviewing applications and conducting interviews for equal and subordinate positions ranging from GS-8 to GS-12.

Attorney Advisor (fulltime)

June 1, 2010 - July 1, 2013

- Responsible for researching and writing administrative law decisions involving complex medical issues.
- Conducted pre-hearing reviews of cases, including reviews of medical, employment and tax records.

- Drafted overpayment and waiver decisions and made determinations for potential on-the-record decisions.

CAPTAIN JOHN P. BURNS MILITARY RESUME

Defense Counsel, Trial Defense Services, New York Army National Guard

Captain John P. Burns currently serves as a Defense Counsel in Trial Defense Services, where he represents Soldiers at Separation Boards and on other adverse administrative actions.

Captain Burns earned his commission in August 2013 through Direct Commission. Prior to his current assignment, Captain Burns served as the Deputy Staff Judge Advocate, 369th Sustainment Brigade. In that role he assisted the Staff Judge Advocate in overseeing all brigade legal services and providing legal advice to both individual Soldiers and leaders. He deployed to Kuwait and Iraq in 2016-2017.

COMMISSIONING SOURCE:

Direct Commission

EDUCATIONAL DEGREES:

2004, Beloit College, Bachelor of Arts, History and Sociology, WI

2009, Fordham University School of Law, Juris Doctorate, NY

MILITARY SCHOOLS ATTENDED:

2014, Judge Advocate General Officer Basic Course, Charlottesville, VA

2016, Operational Contract Support Course, Peekskill, NY

2016, Trial Counsel Assistance Program - New Prosecutor Course, Phoenix, Arizona

2019, Army National Guard Defense Counsel Course, St. Augustine, Florida

2019, Army National Guard Defense Counsel Regional Training, Riverton, Utah

2019, Judge Advocate Officer Advanced Course, Charlottesville, VA

EFFECTIVE DATES OF PROMOTION:

First Lieutenant, 26 August 2013

Captain, 17 August 2016

ASSIGNMENTS:

1. August 2013 – August 2016 [part-time], Deputy Staff Judge Advocate, 369th Sustainment Brigade, Peekskill, NY
2. August 2016 – July 2017 [full-time], Trial Counsel, 369th Sustainment Brigade, Combined Joint Task Force – Operation Inherent Resolve, Camp Taji, Iraq and Camp Arifjan, Kuwait
3. July 2017 – August 2018 [part-time], Deputy Staff Judge Advocate, 369th Sustainment Brigade, Peekskill, NY
4. August 2018 – Present [part-time], Defense Counsel, Joint Force Headquarters, Latham, NY

SUMMARY OF OPERATIONAL ASSIGNMENTS:

August 2016 – July 2017, Trial Counsel, 369th Sustainment Brigade, Combined Joint Task Force – Operation Inherent Resolve, Camp Taji, Iraq and Camp Arifjan, Kuwait

TRAINING EXERCISES:

August 2015, Warfighter, Fort Drum, NY

August 2016, Premobilization Training Exercise, Fort Indian Town Gap, PA

August 2018, Command Post Exercise, Fort Drum, NY

AWARDS AND DECORATIONS:

Army Commendation Medal

National Defense Service Medal

Global War on Terrorism Expeditionary Medal

Global War on Terrorism Service Medal

Overseas Service Ribbon

Armed Forces Reserve Medal with "M" Device

CIVILIAN OCCUPATION:

Assistant Chief Counsel, Department of Homeland Security – Immigration and Customs Enforcement

PROFESSIONAL MEMBERSHIPS AND AFFILIATIONS:

New York State Bar

John Patrick Burns

1. Ability to demonstrate the appropriate temperament to serve as a judge.

As an officer in the United States Military, I must project confidence, calmness and competence always. From August 2016 to July 2017, I was deployed to Iraq and Kuwait, where I served as my brigade's sole Trial Counsel. I was responsible for all military justice issues, and my role was crucial to maintaining discipline and order in a high-pressure and constantly changing environment. To succeed in my mission, I had to maintain credibility with my commanders and authority with subordinate Soldiers.

I oversaw military justice issues in a unit that was responsible for approximately 2,000 Soldiers, operating in forward geographical locations, to include Kuwait, Iraq, Jordan, UAE, Qatar and Syria. I was on-call 24 hours a day, seven days a week and constantly had to make challenging decisions in a high-pressured environment. I regularly had to make quick determinations and advise commanders and military police on whether they could detain suspects in a deployed environment, search and seize property, and interview suspects or press charges against Soldiers. To maintain my credibility with commanders and the military police, I had to remain calm and collected when confronted with difficult legal issues.

I had to show fairness and consistency to maintain credibility and authority with other Soldiers. I had to make reasonable/appropriate recommendations when I advised commanders on punishment options or how to proceed with investigations. I had to make determinations about what adverse administrative actions were consistent, fair and supported by the facts of each case.

2. Knowledge of immigration laws and procedures.

I have been an Assistant Chief Counsel for the Department of Homeland Security since October 2016. In that job, I have gained significant immigration law experience. I have litigated hundreds of immigration cases both in the detained and non-detained settings. I have litigated numerous asylum cases before the Executive Office for Immigration Relief, and I handled innumerable adjustment of status and cancellation of removal case. I have briefed a range of complex immigration law issues.

I have regularly had to analyze and draft legal memorandums relating to complex U.S. citizenship issues including denaturalization. I have drafted legal memorandums and briefs on complex policy issues in the areas of immigration crime including eligibility for relief for aliens who engage in passport or visa fraud, human rights offenses, and international violent crime including violent crime under the Military Extraterritorial Jurisdiction Act. I have appealed over a dozen cases to the Board of Immigration Appeal and I have never lost a single appeal in the 12+ cases in which I was the main author of the brief in support of a DHS appeal.

3. Substantial litigation experience, preferably in a high-volume context.

I have gained significant litigation experience as a brigade trial counsel. When I deployed with the 369th Sustainment Brigade in 2016-2017, I was the only trial counsel assigned to the unit. In my role I helped take five cases to courts-martial. While in a deployed environment, I was responsible for advising on criminal investigations, referral of charges, arranging the hearings, plea deals and advising commanders on the charges. As trial counsel, I was responsible for arranging all witnesses for both the defense and prosecution and for securing funding for any expert witnesses. I was responsible for advising commanders on the selection of panel members (jurors) and to make sure there were no conflicts, and that panel members met the legal requirements including being of proper rank. I was responsible for conducting questioning or “voire dire” of panel members before they could serve on the panel. I had to understand and make determinations on the Military Rules of Evidence. I was also responsible for litigating all the cases through the sentencing phase.

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SUMMARY PARAGRAPH
NEW IJ INTERVIEW QUESTIONS

NAME OF INTERVIEWEE: John Burns

NAME OF INTERVIEWER: ACIJ Theresa Holmes-Simmons

DATE OF INTERVIEW: May 14, 2020

I recommend Mr. Burns for further consideration.

This candidate interviewed very well. He has significant litigation experience and immigration experience. He is currently an Assistant Chief Counsel in New York. He was a defense attorney and a prosecutor in the JAG. He served in Iraq from 2016-2017.

Mr. Burns stated that he respects the role of the Immigration Judge and recognizes that it is a “difficult” role. He believes it would be a privilege to serve in this capacity.

It was clear from the interview that he takes his obligations very seriously. He stated he would hear cases with an open mind.

His answers displayed a thorough knowledge of courtroom practice and procedure.

He displayed a calm demeanor during the interview. He knows the importance of due process and the necessity of completing cases in a timely manner.

I do not doubt he would treat all parties with respect and will effectively complete cases.

He a highly qualified candidate.

Summary Paragraph

(New IJ Interview Questions - 20191104)

NAME OF INTERVIEWEE: John Burns
NAME OF INTERVIEWER: ACIJ John Doolittle
DATE OF INTERVIEW: 5/14/20

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From: Cheng, Mary (EOIR)
Sent: Mon, 17 Aug 2020 18:53:59 +0000
To: Short, Tracy (EOIR)
Subject: RE: Ranked IJ applicants

On it.

Mary Cheng
Deputy Chief Immigration Judge



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James,

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The candidate list and rankings are attached. The applicants are being moved now from OCIJ to OOD in SharePoint.

Thanks,

Tracy

From: Cheng, Mary (EOIR)
Sent: Tue, 18 Aug 2020 01:06:22 +0000
To: Short, Tracy (EOIR)
Subject: RE: Ranked IJ applicants

Yes.

Mary Cheng
Deputy Chief Immigration Judge



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To: Cheng, Mary (EOIR) (b)(6)
Subject: Re: Ranked IJ applicants

(b)(5) we need to review all of the NR to verify the ranking. Can you send me that tomorrow? Thanks.

On Aug 17, 2020, at 8:33 PM, Cheng, Mary (EOIR) (b)(6) wrote:

John Burns is HR and was already identified by OOD.
Hayden Windrow is HR and Christopher Cooper should be MT.

If we count Burns from earlier today then we have 2 HR and 1 MT.

Mary Cheng
Deputy Chief Immigration Judge
<image001.png>

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Sent: Monday, August 17, 2020 8:30 PM

To: Cheng, Mary (EOIR) (b)(6)
Subject: Re: Ranked IJ applicants

Two are now HR and one is MT?

On Aug 17, 2020, at 8:23 PM, Cheng, Mary (EOIR) (b)(6) wrote:

Judge,

I did 10 random reviews. I had Marcia pick the candidates so it would be random. Attached there were two other candidates that should be adjusted. (b)(5)

(b)(5)

Mary Cheng
Deputy Chief Immigration Judge
<image001.png>

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From: Short, Tracy (EOIR) (b)(6)
Sent: Monday, August 17, 2020 3:24 PM
To: Cheng, Mary (EOIR) (b)(6)
Subject: Re: Ranked IJ applicants

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On Aug 17, 2020, at 3:12 PM, Cheng, Mary (EOIR) (b)(6) wrote:

Judge Short,

This applicant was previously ranked by Judge Santoro in May 2020. His application is attached. (b)(5)
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Mary Cheng
Deputy Chief Immigration Judge

<image001.png>

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From: Short, Tracy (EOIR) (b)(6)
Sent: Monday, August 17, 2020 2:44 PM
To: Cheng, Mary (EOIR) (b)(6)
Subject: FW: Ranked IJ applicants

Please check on this. The interview notes reflect that both ACIJs rated Burns as highly qualified. Are there others that are similarly situated? Thanks.

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Sent: Monday, August 17, 2020 2:23 PM
To: Short, Tracy (EOIR) (b)(6)
Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR)
(b)(6)
Subject: RE: Ranked IJ applicants

Thanks.

One candidate to check on: John Burns.

He is listed as NR, (b)(5) if not HR.
Is there something about him that is not reflected in the notes that made him NR?

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Sent: Monday, August 17, 2020 2:04 PM
To: McHenry, James (EOIR) (b)(6)
Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR)
(b)(6)
Subject: RE: Ranked IJ applicants

The highlighted ones are the applicants who were interviewed and ranked as part of the June 2020 announcement. The others are applicants who were interviewed and ranked within the last year.

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Sent: Monday, August 17, 2020 1:56 PM
To: Short, Tracy (EOIR) (b)(6)
Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR)
(b)(6)
Subject: RE: Ranked IJ applicants

Thanks. Does the yellow highlighting signify anything?

From: Short, Tracy (EOIR) (b)(6)
Sent: Monday, August 17, 2020 12:41 PM
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Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR)
(b)(6)
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- 163 Panel Not Recommend

The candidate list and rankings are attached. The applicants are being moved now from OCIJ to OOD in SharePoint.

Thanks,

Tracy

<John Patrick Burns - Resume.pdf>
<John Patrick Burns - QRF.pdf>
<John Burns Summary Paragraph (Holmes-Simmons).pdf>
<John Burns Summary Paragraph (Doolittle).pdf>
<Sample.docx>

From: Cheng, Mary (EOIR)
Sent: Tue, 18 Aug 2020 00:33:02 +0000
To: Short, Tracy (EOIR)
Subject: RE: Ranked IJ applicants

John Burns is HR and was already identified by OOD.
Hayden Windrow is HR and Christopher Cooper should be MT.

If we count Burns from earlier today then we have 2 HR and 1 MT.

Mary Cheng
Deputy Chief Immigration Judge



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Thanks,

Tracy

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<John Patrick Burns - QRF.pdf>

<John Burns Summary Paragraph (Holmes-Simmons).pdf>

<John Burns Summary Paragraph (Doolittle).pdf>

<Sample.docx>

From: Cheng, Mary (EOIR)
Sent: Tue, 18 Aug 2020 14:08:02 +0000
To: Short, Tracy (EOIR)
Subject: RE: Ranked IJ applicants

Judge,

It looks good.

Mary Cheng
Deputy Chief Immigration Judge



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From: Short, Tracy (EOIR) (b)(6)
Sent: Tuesday, August 18, 2020 9:49 AM
To: Cheng, Mary (EOIR) (b)(6)
Subject: RE: Ranked IJ applicants

This is what I intend to send OOD this morning, along with the attached revised list. Please review for accuracy. Thanks.

James,

After scrubbing the list of candidates who were interviewed within one year and previously rated NR, we have revised the ranking list to reflect the candidate you identified, along with two others. They are:

- John Burns – HR
- Hayden Windrow – HR
- Christopher Cooper – Mid-Tier

Attached is the revised list of ranked IJ applicants denoting the revisions. (b)(5)

(b)(5)

Thanks,

Tracy

From: Cheng, Mary (EOIR) (b)(6)
Sent: Tuesday, August 18, 2020 8:16 AM

To: Short, Tracy (EOIR) [REDACTED]
Subject: RE: Ranked IJ applicants

Yes. There were no others.

Mary Cheng
Deputy Chief Immigration Judge



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From: Short, Tracy (EOIR) [REDACTED]
Sent: Tuesday, August 18, 2020 8:13 AM
To: Cheng, Mary (EOIR) [REDACTED]
Subject: Re: Ranked IJ applicants

Thank you. These are the same two you identified yesterday?

On Aug 18, 2020, at 7:36 AM, Cheng, Mary (EOIR) [REDACTED] wrote:

Judge Short,

Good morning. I reviewed all the NRs. The only corrections in addition to what was identified by OOD is as follows:

Hayden Windrow – HR
Christopher Cooper – Mid-Tier

Mary Cheng
Deputy Chief Immigration Judge
<image001.png>

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<John Patrick Burns - QRF.pdf>
<John Burns Summary Paragraph (Holmes-Simmons).pdf>
<John Burns Summary Paragraph (Doolittle).pdf>
<Sample.docx>

From: Cheng, Mary (EOIR)
Sent: Fri, 4 Dec 2020 13:08:09 +0000
To: Mayberry, Karen (EOIR)
Subject: RE: Updated IJ Field Training Schedule

Yes. Thanks,

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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From: Mayberry, Karen (EOIR) (b)(6)
Sent: Friday, December 4, 2020 7:59 AM
To: Cheng, Mary (EOIR) (b)(6)
Subject: RE: Updated IJ Field Training Schedule

Good morning – are we training IAC IJs?

Judge M

From: Cheng, Mary (EOIR) (b)(6)
Sent: Thursday, December 3, 2020 8:04 PM
To: Scala, Theresa M. (EOIR) (b)(6) Mart, H. Kevin (EOIR)
(b)(6) Kinnicutt, Daniel (EOIR) (b)(6)
Garcia, Melissa J. (EOIR) (b)(6) Taylor, Khalilah (EOIR)
(b)(6) McCarthy III, James F. (EOIR)
(b)(6) Cheng, David (EOIR) (b)(6)
Margolin, Daren K. (EOIR) (b)(6) Mayberry, Karen (EOIR)
(b)(6) Hanrahan, William (EOIR)
(b)(6) Hitesman, Jonathan W. (EOIR)
(b)(6) Seppanen, Christopher R.. (EOIR)
(b)(6) Perry, Anne (EOIR) (b)(6)
Bartolomei, Jr. Rico (EOIR) (b)(6)
Cc: McNulty, Sheila (EOIR) (b)(6) Meza, Marissa (EOIR)
(b)(6)
Subject: RE: Updated IJ Field Training Schedule
Importance: High

Judges,

I would like to schedule a training for the new IJs for case flow sometime between 12/21 and 1/4/21. Please let me know when is a good date for the new IJs. Thanks,

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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From: Scala, Theresa M. (EOIR) (b)(6)
Sent: Thursday, December 3, 2020 8:02 PM
To: Cheng, Mary (EOIR) (b)(6) Mart, H. Kevin (EOIR)
(b)(6) Kinnicutt, Daniel (EOIR) (b)(6)
Garcia, Melissa J. (EOIR) (b)(6) Taylor, Khalilah (EOIR)
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(b)(6) Cheng, David (EOIR) (b)(6)
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Cc: McNulty, Sheila (EOIR) (b)(6) Meza, Marissa (EOIR)
(b)(6)
Subject: RE: Updated IJ Field Training Schedule

Good evening colleagues,

The next holiday is just around the corner and I would like to have the binders shipped no later than next Friday December 11, 2020. Please fill in the spread sheet below as soon as possible.

Thanks so much.

Theresa

New IJ Training Binder List
November 2020

		Home Court	EOD	Training Court	Send binder to:
--	--	------------	-----	----------------	-----------------

	New Immigration Judge				
1	Erin Alexander	New York – Broadway	11/22/2020	NY-Varick	
2	Mark K. Brooks	Harlingen	11/22/2020	Conroe	Harlingen (2)
3	John Burns	New York – Broadway	11/22/2020	CLE	
4	(b)(6)	New York – Varick St.	11/22/2020	NEW	
5	David Erickson	New York – Federal	11/22/2020	NY-Varick	
6	Ravit Halperin	Adelanto	11/22/2020	TAC	
7	Samuel Kim	San Francisco	11/22/2020	SMO	San Francisco 1
8	Dawn M. Kulick	New York - Broadway	11/22/2020	NY-Varick	
9	Shirley Lazare-Raphael	New York - Broadway	11/22/2020	CLE	
10	Robert Lewandowski	Falls Church	11/22/2020	WAS	
11	James R. Masterson	San Francisco	11/22/2020	SMO	San Francisco 1
12	Jeffrey Munoz	Imperial	11/22/2020	SND	
13	Donald J. Pashayan	Cleveland	11/22/2020	DET	Cleveland
14	Maria Ubarri	New York – Federal	11/22/2020	NEW	
15	Hayden Windrow	Seattle	11/22/2020	TAC	Tacoma 1

From: Scala, Theresa M. (EOIR)

Sent: Wednesday, November 18, 2020 6:09 PM

To: Cheng, Mary (EOIR) (b)(6) Mart, H. Kevin (EOIR)

(b)(6) Kinnicutt, Daniel (EOIR) (b)(6)
 Garcia, Melissa J. (EOIR) (b)(6) Taylor, Khalilah (EOIR)
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 (b)(6)

Subject: RE: Updated IJ Field Training Schedule

Good evening colleagues,

Please review the spreadsheet provided by DCIJ Cheng and indicate next to the name of your incoming IJ where you would like the training binder sent. Please refer to my example below highlighted in yellow. You can simply fill in the spread sheet and reply to the e-mail. I added a column noting where the binder should be sent. If you need additional copies for the IJs mentoring the new IJs please note that on the spread sheet where they should be sent.

Let me know if you have any questions.

Have a great evening and a wonderful Thanksgiving holiday.

Theresa

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2	Mark K. Brooks	Harlingen	11/22/2020	Conroe	
3	John Burns	New York – Broadway	11/22/2020	CLE	
4	Richard H. Drucker	New York – Varick St.	11/22/2020	NEW	
5	David Erickson	New York – Federal	11/22/2020	NY-Varick	
6	Ravit Halperin	Adelanto	11/22/2020	TAC	
7	Samuel Kim	San Francisco	11/22/2020	SMO	

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13	Donald J. Pashayan	Cleveland	11/22/2020	DET	
14	Maria Ubarri	New York – Federal	11/22/2020	NEW	
15	Hayden Windrow	Seattle	11/22/2020	TAC	Tacoma 1

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Cc: McNulty, Sheila (EOIR) (b)(6) Meza, Marissa (EOIR)
(b)(6)
Subject: RE: Updated IJ Field Training Schedule

Good evening.

Updated chart to reflect new IJ candidate Jeffrey Munoz.

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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(b)(6)

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(b)(6)

Subject: Updated IJ Field Training Schedule

Judges,

Please see the attached updated field IJ training schedule that is to commence on January 4th. All training is to be conducted by VTC, unless local travel is possible. Let me know if there any challenges or issue. Thanks,

Mary Cheng

Principal Deputy Chief Immigration Judge (Acting)



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From: McCarthy III, James F. (EOIR)
Sent: Fri, 4 Dec 2020 12:41:59 +0000
To: Cheng, Mary (EOIR)
Subject: RE: Updated IJ Field Training Schedule

Judge Pashayan is moving from Arizona to Cleveland beginning December 18 and is on leave until he reports 1/4/2021

James F. McCarthy, III
Assistant Chief Immigration Judge
Cleveland Immigration Court
Carl B. Stokes United States Courthouse
801 Superior Avenue, Suite 13-100
Cleveland, Ohio 44113

(b)(6)



From: Cheng, Mary (EOIR) (b)(6)
Sent: Thursday, December 3, 2020 8:04 PM
To: Scala, Theresa M. (EOIR) (b)(6) Mart, H. Kevin (EOIR)
(b)(6) Kinnicutt, Daniel (EOIR) (b)(6)
Garcia, Melissa J. (EOIR) (b)(6) Taylor, Khalilah (EOIR)
(b)(6) McCarthy III, James F. (EOIR)
(b)(6) Cheng, David (EOIR) (b)(6)
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(b)(6) Hanrahan, William (EOIR)
(b)(6) Hitesman, Jonathan W. (EOIR)
(b)(6) Seppanen, Christopher R.. (EOIR)
(b)(6) Perry, Anne (EOIR) (b)(6)
Bartolomei, Jr. Rico (EOIR) (b)(6)
Cc: McNulty, Sheila (EOIR) (b)(6) Meza, Marissa (EOIR)
(b)(6)
Subject: RE: Updated IJ Field Training Schedule
Importance: High

Judges,

I would like to schedule a training for the new IJs for case flow sometime between 12/21 and 1/4/21. Please let me know when is a good date for the new IJs. Thanks,

Mary Cheng

Principal Deputy Chief Immigration Judge (Acting)



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Subject: RE: Updated IJ Field Training Schedule

Good evening colleagues,

The next holiday is just around the corner and I would like to have the binders shipped no later than next Friday December 11, 2020. Please fill in the spread sheet below as soon as possible.

Thanks so much.

Theresa

New IJ Training Binder List
November 2020

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4	(b)(6)	New York – Varick St.	11/22/2020	NEW	
5	David Erickson	New York – Federal	11/22/2020	NY-Varick	
6	Ravit Halperin	Adelanto	11/22/2020	TAC	
7	Samuel Kim	San Francisco	11/22/2020	SMO	San Francisco 1
8	Dawn M. Kulick	New York - Broadway	11/22/2020	NY-Varick	
9	Shirley Lazare-Raphael	New York - Broadway	11/22/2020	CLE	
10	Robert Lewandowski	Falls Church	11/22/2020	WAS	
11	James R. Masterson	San Francisco	11/22/2020	SMO	San Francisco 1
12	Jeffrey Munoz	Imperial	11/22/2020	SND	
13	Donald J. Pashayan	Cleveland	11/22/2020	DET	Cleveland
14	Maria Ubarri	New York – Federal	11/22/2020	NEW	
15	Hayden Windrow	Seattle	11/22/2020	TAC	Tacoma 1

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Sent: Wednesday, November 18, 2020 6:09 PM

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(b)(6)

Subject: RE: Updated IJ Field Training Schedule

Good evening colleagues,

Please review the spreadsheet provided by DCIJ Cheng and indicate next to the name of your incoming IJ where you would like the training binder sent. Please refer to my example below highlighted in yellow. You can simply fill in the spread sheet and reply to the e-mail. I added a column noting where the binder should be sent. If you need additional copies for the IJs mentoring the new IJs please note that on the spread sheet where they should be sent.

Let me know if you have any questions.

Have a great evening and a wonderful Thanksgiving holiday.

Theresa

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3	John Burns	New York – Broadway	11/22/2020	CLE	
4	Richard H. Drucker	New York – Varick St.	11/22/2020	NEW	
5	David Erickson	New York – Federal	11/22/2020	NY-Varick	
6	Ravit Halperin	Adelanto	11/22/2020	TAC	
7	Samuel Kim	San Francisco	11/22/2020	SMO	
8	Dawn M. Kulick	New York - Broadway	11/22/2020	NY-Varick	
9	Shirley Lazare-Raphael	New York - Broadway	11/22/2020	CLE	

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Bartolomei, Jr. Rico (EOIR) (b)(6)
Cc: McNulty, Sheila (EOIR) (b)(6) Meza, Marissa (EOIR)
(b)(6)
Subject: RE: Updated IJ Field Training Schedule

Good evening.

Updated chart to reflect new IJ candidate Jeffrey Munoz.

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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Sent: Tuesday, November 17, 2020 2:20 PM

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(b)(6) Seppanen, Christopher R.. (EOIR)

(b)(6)

Cc: McNulty, Sheila (EOIR) (b)(6) Meza, Marissa (EOIR)

(b)(6)

Subject: Updated IJ Field Training Schedule

Judges,

Please see the attached updated field IJ training schedule that is to commence on January 4th. All training is to be conducted by VTC, unless local travel is possible. Let me know if there any challenges or issue. Thanks,

Mary Cheng

Principal Deputy Chief Immigration Judge (Acting)



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From: Cheng, Mary (EOIR)
Sent: Thu, 17 Dec 2020 22:03:24 +0000
To: Scala, Theresa M. (EOIR)
Subject: RE: Updated IJ Field Training Schedule

Okay – Happy Holidays. Thanks,

Mary Cheng
Deputy Chief Immigration Judge



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From: Scala, Theresa M. (EOIR) (b)(6)
Sent: Thursday, December 17, 2020 4:59 PM
To: Cheng, Mary (EOIR) (b)(6)
Subject: RE: Updated IJ Field Training Schedule

You too. Starting Monday I will be “on leave” for the holiday, but I will have access to my laptop and responding to emails.

Have a wonderful holiday.

From: Cheng, Mary (EOIR) (b)(6)
Sent: Thursday, December 17, 2020 1:55 PM
To: Scala, Theresa M. (EOIR) (b)(6)
Subject: RE: Updated IJ Field Training Schedule

No. Thank you for everything. Have a nice evening.

Mary Cheng
Deputy Chief Immigration Judge



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From: Scala, Theresa M. (EOIR) (b)(6)
Sent: Thursday, December 17, 2020 4:54 PM
To: Cheng, Mary (EOIR) (b)(6)
Subject: RE: Updated IJ Field Training Schedule

I saw a missed call from you. Do you need me to call you back?

From: Cheng, Mary (EOIR) (b)(6)
Sent: Thursday, December 17, 2020 12:20 PM
To: Lee-Sullivan, Marcia L. (EOIR) (b)(6) Scala, Theresa M. (EOIR) (b)(6) McNulty, Sheila (EOIR) (b)(6)
Subject: RE: Updated IJ Field Training Schedule

Varick Street.

Mary Cheng
Deputy Chief Immigration Judge



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From: Lee-Sullivan, Marcia L. (EOIR) (b)(6)
Sent: Thursday, December 17, 2020 3:17 PM
To: Scala, Theresa M. (EOIR) (b)(6) Cheng, Mary (EOIR) (b)(6) McNulty, Sheila (EOIR) (b)(6)
Subject: RE: Updated IJ Field Training Schedule

All,

He is an ALJ for OCAHO at the New York – Varick Street location. Not sure if the binder should be sent to the court or to his home.

Marcia

From: Lee-Sullivan, Marcia L. (EOIR)
Sent: Thursday, December 17, 2020 3:06 PM
To: Scala, Theresa M. (EOIR) (b)(6) Cheng, Mary (EOIR) (b)(6) McNulty, Sheila (EOIR) (b)(6)
Subject: RE: Updated IJ Field Training Schedule

I am waiting for a response – should hear something soon.

v/r
Marcia

From: Scala, Theresa M. (EOIR) (b)(6)
Sent: Thursday, December 17, 2020 2:56 PM
To: Cheng, Mary (EOIR) (b)(6) Lee-Sullivan, Marcia L. (EOIR) (b)(6)
(b)(6) McNulty, Sheila (EOIR) (b)(6)
Subject: RE: Updated IJ Field Training Schedule

I received a request for a bind to be sent to NLA for Carol Tipton. I'm happy to provide one for John Henderson, I just need to know where to send it.

Thank you.

From: Cheng, Mary (EOIR) (b)(6)
Sent: Thursday, December 17, 2020 11:50 AM
To: Scala, Theresa M. (EOIR) (b)(6) Lee-Sullivan, Marcia L. (EOIR)
(b)(6) McNulty, Sheila (EOIR) (b)(6)
Subject: RE: Updated IJ Field Training Schedule

Those are AIJs. I am not sure we track them.

Mary Cheng
Deputy Chief Immigration Judge



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From: Scala, Theresa M. (EOIR) (b)(6)
Sent: Thursday, December 17, 2020 2:50 PM
To: Lee-Sullivan, Marcia L. (EOIR) (b)(6) Cheng, Mary (EOIR)
(b)(6) McNulty, Sheila (EOIR) (b)(6)
Subject: RE: Updated IJ Field Training Schedule

Thank you Marcia.

What about John Henderson and Carol Tipton?

From: Lee-Sullivan, Marcia L. (EOIR) (b)(6)
Sent: Thursday, December 17, 2020 11:39 AM
To: Cheng, Mary (EOIR) (b)(6) Scala, Theresa M. (EOIR)

(b)(6)

McNulty, Sheila (EOIR)

(b)(6)

Subject: RE: Updated IJ Field Training Schedule

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7	Dawn M. Kulick	New York – Broadway	11/22/2020
8	Shirley Lazare-Raphael	New York – Broadway	11/22/2020
9	Robert Lewandowski	Falls Church	11/22/2020
10	Jason R. Masterson	San Francisco	11/22/2020
11	Jeffrey V. Munoz	Imperial	11/22/2020
12	Donald J. Pashayan	Cleveland	11/22/2020
13	Maria Ubarri	New York – Federal	11/22/2020
14	Hayden Windrow (Mr.)	Seattle	11/22/2020

List of new Immigration Judges – EOD 11/22/2020

v/r

Marcia

From: Cheng, Mary (EOIR) (b)(6)

Sent: Thursday, December 17, 2020 12:18 PM

To: Scala, Theresa M. (EOIR) (b)(6) McNulty, Sheila (EOIR)

(b)(6) Lee-Sullivan, Marcia L. (EOIR)

(b)(6)

(b)(6)

Subject: RE: Updated IJ Field Training Schedule

Adding Marcia for the list.

Marcia,

Please send it ACIJ Scala. Thanks,

Mary Cheng

Deputy Chief Immigration Judge



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Sent: Thursday, December 17, 2020 12:04 PM
To: Cheng, Mary (EOIR) (b)(6) McNulty, Sheila (EOIR)
(b)(6)
Subject: FW: Updated IJ Field Training Schedule

Good morning Judge Cheng and Judge McNulty,

I hope to send the binders out today. (b)(5)
(b)(6) Apparently, David Erickson (NYC Fed Plaza) did not EOD and Carol Tipton (ALJ) was added to the list. Can I impose on you to provide me with the most up to date list?

Thanks so much.

Theresa

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Sent: Thursday, December 3, 2020 5:02 PM
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(b)(6); Cheng, David (EOIR) (b)(6)
Margolin, Daren K. (EOIR) (b)(6); Scala, Theresa M. (EOIR)
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Cc: McNulty, Sheila (EOIR) (b)(6); Meza, Marissa (EOIR)
(b)(6)

Subject: RE: Updated IJ Field Training Schedule

Good evening.

Updated chart to reflect new IJ candidate Jeffrey Munoz.

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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(b)(6)

Cc: McNulty, Sheila (EOIR) (b)(6) Meza, Marissa (EOIR)

(b)(6)

Subject: Updated IJ Field Training Schedule

Judges,

Please see the attached updated field IJ training schedule that is to commence on January 4th. All training is to be conducted by VTC, unless local travel is possible. Let me know if there any challenges or issue. Thanks,

Mary Cheng
Principal Deputy Chief Immigration Judge (Acting)



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From: Lee-Sullivan, Marcia L. (EOIR)
Sent: Thu, 17 Sep 2020 20:08:44 +0000
To: Short, Tracy (EOIR)
Cc: Cheng, Mary (EOIR); Ortiz-Ang, Susana (EOIR); Romig, Shawn (EOIR); Lee-Sullivan, Marcia L. (EOIR)
Subject: Seeking Signature - Eight Fillable PDF Nepotism Forms - Part I
Attachments: Selecting Official Nepotism Form Alexander.pdf, Selecting Official Nepotism Form DePowell.pdf, Selecting Official Nepotism Form Halperin.pdf, Selecting Official Nepotism Form Kulick.pdf, Selecting Official Nepotism Form Burns.pdf, Selecting Official Nepotism Form Drucker.pdf, Selecting Official Nepotism Form Flynn.pdf, Selecting Official Nepotism Form Lazare-Raphael.pdf

Good Afternoon Judge Short,

OCIJ received notification OOD selected sixteen (16) candidates for the IJ position.

After conducting a nepotism survey, I received 37 negative responses out of 38 (one ACIJ did not respond).

I am sending you two emails – each listing eight (8) candidates. Please review and sign the attach Acknowledgment and Disclosure Forms (sometimes referred to as the Nepotism Selecting Official Form)

To the best of your knowledge, respond to Statement #1, #2 and #3 by inserting your initial

Please Note: In the body of the form an initial is required for:

- Statement #1
- Statement #2
- Statement #3

As the Selecting/Requesting Official, sign and date the form

Below are 8 candidates for the IJ position in Adelanto and NYC:

Adelanto

Bryan DePowell
Ravit Halperin

NYC

Erin Alexander
Dawn Kulick
John Burns

(b)(6)
Shirley Lazare-Raphael
Kevin Flynn

Thank you,
Marcia Lee-Sullivan

Selecting Official / Requesting Official Acknowledgment and Disclosure Form

Selecting / Requesting Official Name: Tracy Short	Applicant / Employee Name: Erin Alexander
Organization/Component: EOIR/OCIJ	Position: Immigration Judge

I am familiar with the Merit System Principles found in Section 2301(b) of title 5, U.S.C. which provide guidance on federal personnel management, including 5 U.S.C §§ 2302(b) and 3110(b), which contain provisions identifying nepotism as a prohibited personnel practice. Nepotism is engaging in action to appoint, employ, promote, or advance relatives, or advocate for any of these actions, by a public official.

I understand that:

- It is a prohibited personnel practice to grant a preference or advantage not authorized by law, rule or regulation to an employee or applicant for the purpose of improving or injuring any individual's prospects for employment.
- The applicable ethics rules prohibit me from taking official action to affect my own financial interest, or misusing my official position to promote a private interest, for example, by recommending my domestic partner or a member of my household for a position at DOJ.
- For purposes of this form, the term "relative" includes a Department of Justice (DOJ) applicant's or employee's spouse, parent, guardian, grandparent, sister/brother (including step/half relationships), child/grandchild (including biological, adopted, foster, or step child, legal ward, or child for whom the employee stands *in loco parentis*), in-law, aunt, uncle, nephew, niece, or first cousin. "Other covered individual" includes a domestic partner, a more distant relative not included above with whom the employee has a close personal relationship, or anyone currently residing in the employee's or applicant's household, even temporarily.

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1. I certify that to the best of my knowledge:

The individual I am selecting / requesting does not have a relative or other covered individual employed at DOJ;

_____**(Initial Here)**

OR

The individual I am selecting / requesting has a relative or other covered individual employed at DOJ. _____**(Initial Here)**

2. If the individual I am selecting / requesting has a relative or other covered individual employed at DOJ, I certify that my selection decision has not been influenced by either the selectee's relationship with the DOJ employee or any communication by the DOJ employee relating to the personnel action. _____**(Initial Here)** _____ Not Applicable (i.e., I have no awareness of a relative or other covered individual)

3. I am aware that individuals in the hiring process, including myself, may have had contact with a relative or other covered individual of the selectee. If "yes", I am satisfied it did not affect the personnel action and have attached a brief explanation of the circumstances of which I am aware.

_____ Yes **(Initial Here)** _____ No. If Yes, I have attached an explanation.

Names of relatives or other covered individuals known to

Relative's/Individual's Name work for DOJ:	Relationship to Employee	DOJ Organization

As the selecting/requesting official, I certify that the selection was made, or other personnel action was taken, in compliance with Merit System Principles, and the applicable ethics rules.

Selecting / Requesting Official Signature & Date

Reviewing Official Signature & Date

Please submit this form to _____

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Selecting Official / Requesting Official Acknowledgment and Disclosure Form

Selecting / Requesting Official Name: Tracy Short	Applicant / Employee Name: Bryan DePowell
Organization/Component: EOIR/OCIJ	Position: Immigration Judge

I am familiar with the Merit System Principles found in Section 2301(b) of title 5, U.S.C. which provide guidance on federal personnel management, including 5 U.S.C §§ 2302(b) and 3110(b), which contain provisions identifying nepotism as a prohibited personnel practice. Nepotism is engaging in action to appoint, employ, promote, or advance relatives, or advocate for any of these actions, by a public official.

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_____**(Initial Here)**

OR

The individual I am selecting / requesting has a relative or other covered individual employed at DOJ. _____**(Initial Here)**

2. If the individual I am selecting / requesting has a relative or other covered individual employed at DOJ, I certify that my selection decision has not been influenced by either the selectee's relationship with the DOJ employee or any communication by the DOJ employee relating to the personnel action. _____**(Initial Here)** _____ Not Applicable (i.e., I have no awareness of a relative or other covered individual)

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_____ Yes **(Initial Here)** _____ No. If Yes, I have attached an explanation.

Names of relatives or other covered individuals known to

Relative's/Individual's Name work for DOJ:	Relationship to Employee	DOJ Organization

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**Selecting Official / Requesting Official
Acknowledgment and Disclosure Form**

Selecting / Requesting Official Name: Tracy Short	Applicant / Employee Name: Ravit Halperin
Organization/Component: EOIR/OCIJ	Position: Immigration Judge

I am familiar with the Merit System Principles found in Section 2301(b) of title 5, U.S.C. which provide guidance on federal personnel management, including 5 U.S.C §§ 2302(b) and 3110(b), which contain provisions identifying nepotism as a prohibited personnel practice. Nepotism is engaging in action to appoint, employ, promote, or advance relatives, or advocate for any of these actions, by a public official.

I understand that:

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OR

The individual I am selecting / requesting has a relative or other covered individual employed at DOJ. _____ **(Initial Here)**

2. If the individual I am selecting / requesting has a relative or other covered individual employed at DOJ, I certify that my selection decision has not been influenced by either the selectee's relationship with the DOJ employee or any communication by the DOJ employee relating to the personnel action. _____ **(Initial Here)** _____ Not Applicable (i.e., I have no awareness of a relative or other covered individual)

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Names of relatives or other covered individuals known to

Relative's/Individual's Name work for DOJ:	Relationship to Employee	DOJ Organization

As the selecting/requesting official, I certify that the selection was made, or other personnel action was taken, in compliance with Merit System Principles, and the applicable ethics rules.

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Selecting Official / Requesting Official Acknowledgment and Disclosure Form

Selecting / Requesting Official Name: Tracy Short	Applicant / Employee Name: Dawn Kulick
Organization/Component: EOIR/OCIJ	Position: Immigration Judge

I am familiar with the Merit System Principles found in Section 2301(b) of title 5, U.S.C. which provide guidance on federal personnel management, including 5 U.S.C §§ 2302(b) and 3110(b), which contain provisions identifying nepotism as a prohibited personnel practice. Nepotism is engaging in action to appoint, employ, promote, or advance relatives, or advocate for any of these actions, by a public official.

I understand that:

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Names of relatives or other covered individuals known to

Relative's/Individual's Name work for DOJ:	Relationship to Employee	DOJ Organization

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Selecting Official / Requesting Official Acknowledgment and Disclosure Form

Selecting / Requesting Official Name: Tracy Short	Applicant / Employee Name: John Burns
Organization/Component: EOIR/OCIJ	Position: Immigration Judge

I am familiar with the Merit System Principles found in Section 2301(b) of title 5, U.S.C. which provide guidance on federal personnel management, including 5 U.S.C §§ 2302(b) and 3110(b), which contain provisions identifying nepotism as a prohibited personnel practice. Nepotism is engaging in action to appoint, employ, promote, or advance relatives, or advocate for any of these actions, by a public official.

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Names of relatives or other covered individuals known to

Relative's/Individual's Name work for DOJ:	Relationship to Employee	DOJ Organization

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**Selecting Official / Requesting Official
Acknowledgment and Disclosure Form**

Selecting / Requesting Official Name: Tracy Short	Applicant / Employee Name: (b)(6)
Organization/Component: EOIR/OCIJ	Position: Immigration Judge

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Selecting Official / Requesting Official Acknowledgment and Disclosure Form

Selecting / Requesting Official Name: Tracy Short	Applicant / Employee Name: Kevin Flynn
Organization/Component: EOIR/OCIJ	Position: Immigration Judge

I am familiar with the Merit System Principles found in Section 2301(b) of title 5, U.S.C. which provide guidance on federal personnel management, including 5 U.S.C §§ 2302(b) and 3110(b), which contain provisions identifying nepotism as a prohibited personnel practice. Nepotism is engaging in action to appoint, employ, promote, or advance relatives, or advocate for any of these actions, by a public official.

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Relative's/Individual's Name work for DOJ:	Relationship to Employee	DOJ Organization

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Selecting Official / Requesting Official Acknowledgment and Disclosure Form

Selecting / Requesting Official Name: Tracy Short	Applicant / Employee Name: Shirley Lazare-Raphael
Organization/Component: EOIR/OCIJ	Position: Immigration Judge

I am familiar with the Merit System Principles found in Section 2301(b) of title 5, U.S.C. which provide guidance on federal personnel management, including 5 U.S.C §§ 2302(b) and 3110(b), which contain provisions identifying nepotism as a prohibited personnel practice. Nepotism is engaging in action to appoint, employ, promote, or advance relatives, or advocate for any of these actions, by a public official.

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From: Lee-Sullivan, Marcia L. (EOIR)
Sent: Mon, 17 Aug 2020 19:03:47 +0000
To: Cheng, Mary (EOIR)
Subject: Update RE: Ranked IJ applicants

Judge Cheng,

Mr. Burns was previously interviewed and ranked by PDCIJ Santoro.

Marcia

From: Lee-Sullivan, Marcia L. (EOIR)
Sent: Monday, August 17, 2020 3:00 PM
To: Cheng, Mary (EOIR) (b)(6)
Subject: RE: Ranked IJ applicants

See attachments.

I forward the file to OOD.

Marcia

From: Cheng, Mary (EOIR) (b)(6)
Sent: Monday, August 17, 2020 2:55 PM
To: Lee-Sullivan, Marcia L. (EOIR) (b)(6)
Subject: FW: Ranked IJ applicants
Importance: High

I cannot locate this candidate. Please help. Thanks,

Mary Cheng
Deputy Chief Immigration Judge



This communication, along with any attachments, is covered by Federal and State law governing electronic communications, and may contain sensitive or legally privileged information. If the reader is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please notify the sender immediately and delete or destroy this message.

From: Short, Tracy (EOIR) (b)(6)
Sent: Monday, August 17, 2020 2:44 PM

To: Cheng, Mary (EOIR) (b)(6)
Subject: FW: Ranked IJ applicants

Please check on this. The interview notes reflect that both ACIJ's rated Burns as highly qualified. Are there others that are similarly situated? Thanks.

From: McHenry, James (EOIR) (b)(6)
Sent: Monday, August 17, 2020 2:23 PM
To: Short, Tracy (EOIR) (b)(6)
Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR)
(b)(6)
Subject: RE: Ranked IJ applicants

Thanks.

One candidate to check on: John Burns.
He is listed as NR, (b)(5) if not HR.
Is there something about him that is not reflected in the notes that made him NR?

From: Short, Tracy (EOIR) (b)(6)
Sent: Monday, August 17, 2020 2:04 PM
To: McHenry, James (EOIR) (b)(6)
Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR)
(b)(6)
Subject: RE: Ranked IJ applicants

The highlighted ones are the applicants who were interviewed and ranked as part of the June 2020 announcement. The others are applicants who were interviewed and ranked within the last year.

From: McHenry, James (EOIR) (b)(6)
Sent: Monday, August 17, 2020 1:56 PM
To: Short, Tracy (EOIR) (b)(6)
Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR)
(b)(6)
Subject: RE: Ranked IJ applicants

Thanks. Does the yellow highlighting signify anything?

From: Short, Tracy (EOIR) (b)(6)
Sent: Monday, August 17, 2020 12:41 PM
To: McHenry, James (EOIR) (b)(6)
Cc: Wahowiak, Marlene (EOIR) (b)(6) Sheehey, Kate (EOIR)
(b)(6)
Subject: Ranked IJ applicants

James,

I have completed my review of the ACIJ's' interview notes, along with the other application materials for the June 2020 vacancy announcement. The results are as follows:

- 326 total applicants
- 98 were interviewed

The breakdown is as follows:

- 1 withdrew
- 1 unable to reach
- 2 pending EOD
- 57 Highly Recommended
- 35 Mid-Tier
- 67 Not Recommend
- 163 Panel Not Recommend

The candidate list and rankings are attached. The applicants are being moved now from OCIJ to OOD in SharePoint.

Thanks,

Tracy